

# Wetlands Bureau Decision Report

Decisions Taken  
11/01/2004 to 11/07/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2004-00088                      EXETER, TOWN OF**  
**EXETER   Unnamed Wetland**

### Requested Action:

Dredge 5,189 sq. ft. of temporary impacts to the reservoir and river bottom for pipeline trenching and fill a total of 39,159 sq. ft. of palustrine forested/ scrub-shrub wetlands for work associated with the construction of a new 3.0 MGD municipal Water Treatment Plant (WTP). Including construction of a new pumping station, installation of a new 24-inch intake pipeline in the Exeter Reservoir, installation of a 16-inch ductile iron (DI) water pipe to convey finished water from the new WTP, a 4-inch DI sanitary force main from the WTP, and a 16-inch DI raw water pipeline to the new WTP, rehabilitation of the existing Exeter River Pumping Station and sluice gate replacement at the outlet of the Exeter Reservoir by the existing WTP.

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Inspection Date: 09/24/2004 by Frank D Richardson

Inspection Date: 05/07/2004 by Christina Altimari

### APPROVE PERMIT:

Dredge 5,189 sq. ft. of temporary impacts to the reservoir and river bottom for pipeline trenching and fill a total of 39,159 sq. ft. of palustrine forested/ scrub-shrub wetlands for work associated with the construction of a new 3.0 MGD municipal Water Treatment Plant (WTP). Including construction of a new pumping station, installation of a new 24-inch intake pipeline in the Exeter Reservoir, installation of a 16-inch ductile iron (DI) water pipe to convey finished water from the new WTP, a 4-inch DI sanitary force main from the WTP, and a 16-inch DI raw water pipeline to the new WTP, rehabilitation of the existing Exeter River Pumping Station and sluice gate replacement at the outlet of the Exeter Reservoir by the existing WTP.

### With Conditions:

1. All work shall be in accordance with plans by Camp Dresser & McKee, Inc. dated December 19, 2003, as received by the Department on January 15, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. NH DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Pease Field Office in Portsmouth, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Work in the pond shall be done during drawdown.

15. Work in the river shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c): To dredge 5,189 sq. ft. of temporary impacts to the reservoir and river bottom for pipeline trenching and fill a total of 39,159 sq. ft. of palustrine forested/ scrub-shrub wetlands for work associated with the construction of a new 3.0 MGD municipal Water Treatment Plant (WTP).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 24, 2004. Field inspection determined the so-called "plateau area" or "artificially created" wetland which comprises 102,058 sq. ft. (2.34 acres) of perched, poorly drained soils having a high silt/clay content, is not a jurisdictional wetland. The soil material here was transported to this location and disposed of in the past during construction activities on adjacent parcels of land. These are not native hydric soils conditions. The poorly drained soils have fostered the growth of some wetlands plants, but the hydrology and soil morphology are not characteristic of naturally occurring wetlands.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem.
7. Compensatory mitigation for wetlands impacts is not required for this project as it involves the necessary upgrading of the Town of Exeter municipal water supply.

**2004-00120                      NH DEPT OF TRANSPORTATION**  
**ANDOVER   Unnamed Wetland**

Requested Action:

Resurface, widen and improve drainage along Route 11 impacting 18,084 sq. ft. (744 sq. ft. temporary) of streams, wet meadow and forested wetlands.

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Inspection Date: 08/18/2004 by Gino E Infascelli

APPROVE PERMIT:

Resurface, widen and improve drainage along Route 11 impacting 18,084 sq. ft. (744 sq. ft. temporary) of streams, wet meadow and forested wetlands. NHDOT project #14057.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, as received by the Department on September 2, 2004; plan sheet received October 15, 2004 (Sta 318+50 to 319+80) and plan sheet received October 28, 2004 (Sta 319+40 to 320+60), all dated 7/6/04.
2. All work shall be consistent with 16 items listed in the Summary of Environmental Commitments (14057A) by NHDOT and received November 4, 2004.
3. All work shall be consistent with the Conference Report of June 22, 2004 (meeting held June 2, 2004).
4. This permit is contingent on review AND approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Comments submitted by the DES shall be incorporated into the Erosion Control Plan and/ or the Stormwater Pollution Prevention Plans at least one week prior to submitted of the NOI.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
17. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of channel and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 18, 2004. Field inspection determined that a significant amount of the impact areas are ditchlines, which will be replaced with underdrain and grassed swales.
6. Mitigation includes shrub and tree plantings at some of the disturbed areas and the overall project should improve water quality.
7. There is no work within the banks of Sucker Brook as stabilization in that area is for the road shoulder, not the brook bank.
8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

**2004-00395                      TEN POWER REALTY LLC**  
**SANDOWN    Unnamed Wetland**

Requested Action:

Fill approximately 14,735 square feet of palustrine forested wetlands to construct a roadway to provide access to a 40-lot residential subdivision on approximately 90.37 acres. Fill approximately 2,680 square feet of palustrine forested wetlands to construct a shared driveway to provide access to two lots within the subdivision, and fill approximately 3,400 square feet of palustrine forested wetlands to construct a driveway to access three community groundwater wells. Restore approximately 7,803 square feet of previously disturbed palustrine forested wetlands on-site.

As compensatory mitigation for wetlands impacts preserve approximately 18.53 acres of "no cut buffer" on-site, including 8.47 acres of wetlands and 10.06 acres of contiguous uplands.

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Conservation Commission/Staff Comments:

In a letter to the Sandown Planning Board dated June 14, 2004 the Sandown Conservation Commission stated that its concerns regarding the project had been addressed and recommended that the Planning Board accept the plans.

Inspection Date: 05/21/2004 by Christian P Williams

**APPROVE PERMIT:**

Fill approximately 14,735 square feet of palustrine forested wetlands to construct a roadway to provide access to a 40-lot residential subdivision on approximately 90.37 acres. Fill approximately 2,680 square feet of palustrine forested wetlands to construct a shared driveway to provide access to two lots within the subdivision, and fill approximately 3,400 square feet of palustrine forested wetlands to construct a driveway to access three community groundwater wells. Restore approximately 7,803 square feet of previously disturbed palustrine forested wetlands on-site.

As compensatory mitigation for wetlands impacts preserve approximately 18.53 acres of "no cut buffer" on-site, including 8.47 acres of wetlands and 10.06 acres of contiguous uplands.

**With Conditions:**

1. All work shall be in accordance with the following plans by Sublime Civil Consultants, Inc.:

a) The Overall Subdivision Plan (Sheet S1), the Roadway Plan & Profile (Sheets C1 - C3), the Site Development Plan (Sheet C4), the Erosion Control Notes and Construction Sequence Notes listed on Driveway Profile Sheet C6, and the Drainage and Erosion Control Details (Sheet D2) dated October 22, 2003 and revised July 23, 2004, as received by the Department on September 29, 2004; and

b) The Wetland Restoration Plan (Sheet 1 of 2) dated November 2, 2004 and the Wetland Restoration Plan (Sheet 2 of 2) dated October 25, 2004, as received by the Department on November 3, 2004.

2. This permit is contingent on approval by the DES Site Specific Program.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.

6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Sandown Conservation Commission of the date project construction is proposed to begin.

9. Work shall be conducted during low flow conditions.

10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

11. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

12. Proper headwalls shall be constructed within seven days of culvert installation.

13. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.

14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**Wetland Restoration:**

20. This permit is contingent upon the restoration of approximately 7,803 square feet of palustrine forested wetlands, in accordance with the Wetland Restoration Plan (Sheets 1 & 2 of 2) by Sublime Civil Consultants, Inc., as received by the Department on November 3, 2004.
21. The schedule for completion of wetland restoration activities shall coincide with site construction unless otherwise considered and authorized by the DES Wetlands Bureau.
22. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
23. A post-restoration report, including photographs, documenting the status of completed wetlands restoration activities shall be submitted to the DES Wetlands Bureau within 60 days following the completion of construction.

Upland Buffer and Wetland Preservation:

24. This permit is contingent upon the preservation of approximately 18.53 acres of "no cut buffer" on-site, including 8.47 acres of wetlands and 10.06 acres of contiguous uplands, as depicted on the Site Development Plan (Sheet C4) by Sublime Civil Consultants, Inc. dated October 22, 2003 and revised July 23, 2004, as received by the Department on September 29, 2004.
25. The plan noting the "no cut buffer" areas shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
26. Both existing and future property owners shall be subject to the "no cut buffer" areas.
27. The boundaries of the "no cut buffer" areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
28. Signs to indicate the location of and restrictions on the "no cut buffer" areas shall be posted no further than every 150 feet along the boundary of the "no cut buffer" areas prior to construction.
29. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the "no cut buffer" area signs.

With Findings:

1. The project is categorized as a Major Impact Project, per Administrative Rule Wt 303.02(c), as it involves alteration of greater than 20,000 square feet in nontidal wetlands.
2. To minimize wetlands impacts, the applicant has designed portions of the proposed subdivision roadway to follow the alignment of an existing woods road.
3. The applicant has agreed to restore approximately 7,803 square feet of previously disturbed palustrine forested wetlands on-site.
4. As compensatory mitigation for proposed wetlands impacts the applicant has agreed to preserve approximately 18.53 acres of "no cut buffer" on-site, including 8.47 acres of wetlands and 10.06 acres of contiguous uplands.
5. The wetlands compensatory mitigation plan exceeds the ratios list in Table 800-1 of the DES Wetlands Bureau's Compensatory Mitigation Rules (Chapter Wt 800).
6. NHDES Wetlands Bureau Staff conducted a field inspection of the property on May 21, 2004.
7. Based on observations made during the above-referenced field inspection of the property and based on review of project documentation and plans, the Department waives the public hearing with the finding that proposed jurisdictional impacts will not significantly impair the resources of the remaining palustrine wetlands on the property.
8. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.
9. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
10. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
11. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09.
12. The Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS 6963 on October 18, 2004 is indicative that all requirements of Env-Ws 415 have been satisfied.

**2004-01772 NH DEPT OF TRANSPORTATION**  
**FRANKLIN Sucker Brook**

Requested Action:

Improve road surface, shoulders and drainage; replace culverts and repair/ replace headers along Rte.11 to improve safety impacting 8,862 sq. ft. of emergent, scrub shrub and forested wetlands and streams.

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Inspection Date: 08/18/2004 by Gino E Infascelli

APPROVE PERMIT:

Improve road surface, shoulders and drainage; replace culverts and repair/ replace headers along Rte.11 to improve safety impacting 8,862 sq. ft. of emergent, scrub shrub and forested wetlands and streams. NHDOT project #14133.

With Conditions:

1. All work shall be in accordance with:
  - a. Plans by NHDOT Bureau of Highway Design dated 7/6/04, as received by the Department on July 28, 2004,
  - b. The Environmental Document by the NHDOT received August 24, 2004 and
  - c. The amended plan (near Sta 342+85) by the NHDOT Bureau of Highway Design received on Sept. 7, 2004.
2. All work shall be consistent with the Conference Report of June 22, 2004 (meeting held June 2, 2004).
3. All work shall be consistent with 16 items listed in the Summary of Environmental Commitments (14057A) by NHDOT and received November 4, 2004.
4. This permit is contingent on review AND approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Comments submitted by the DES shall be incorporated into the Erosion Control Plan and/ or the Stormwater Pollution Prevention Plans at least one week prior to submitted of the NOI.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
17. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of banks and channels.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 18, 2004. Field inspection determined that the extra precautions to be used during construction, as discussed with the DES and the DOT, should protect the water quality of surface waters and minimize impacts.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of these wetland ecosystems.

**2004-02192                      ALEXANDRIA, TOWN OF**  
**ALEXANDRIA   Brock Brook**

Requested Action:

Dredge and fill a total of 2597 square feet within the bed and banks of Brock Brook for replacement of the existing red listed bridge.

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Conservation Commission/Staff Comments:

The Alexandria Conservation Commission did not comment on this application.

Inspection Date: 10/13/2004 by Jocelyn S Degler

APPROVE PERMIT:

Dredge and fill a total of 2597 square feet within the bed and banks of Brock Brook for replacement of the existing red listed bridge.

With Conditions:

1. All work shall be in accordance with plans by Holden Transportation Engineering dated November 2003, and received by the Department on September 9, 2004.
2. The Town shall obtain easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2004-02192 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction.
7. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Prior to commencing work on a substructure located within surface waters, temporary water diversion measures shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary water diversion measures shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary water diversion measure is fully effective, confined work can proceed without restriction.
11. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream



work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.

12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

13. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

14. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

15. There shall be no excavation or operation of construction equipment in flowing water unless specifically authorized pursuant to Condition #3.

16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

18. All refueling of equipment shall occur outside of jurisdiction during construction.

19. Temporary water diversion measures shall be entirely removed immediately following construction.

20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by netting and pinning on slopes steeper than 3:1.

21. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

22. Upland riparian areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.

23. Any further alteration of areas that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

#### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.

2. Project activities are necessary as the NH Department of Transportation has documented deterioration of the existing bridge.

3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

5. Proposed project activities will improve public safety.

6. The applicant has adequately addressed the requirements for application evaluation identified in Rule Wt 302.04(a).

7. The new bridge structure is sized to maintain the previous existing hydraulic opening. The project will therefore not change the tendency for flooding of the Brock Brook.

8. DES Staff conducted a field inspection of the proposed project on October 13, 2004. Field inspection determined the new bridge abutments are in better alignment with the existing channel and should reduce impacts to downstream abutters.

9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this riverine ecosystem.

#### MINOR IMPACT PROJECT

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2000-01083

PILLSBURY LAKE WATER DISTRICT

WEBSTER Pillsbury Lake & Deermeadow Brook

#### Requested Action:

Confirm Emergency Authorization to impact 1000 square feet for dam repair and temporarily impact for access.

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Conservation Commission/Staff Comments:

The conservation commission never commented on this application.

CONFIRM EMERGENCY AUTHORIZATION:

Impact 1000 square feet for dam repair and temporarily impact for access.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The project was necessary to repair the existing dam, which was a safety issue.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on July 5, 2000.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2003-00270

**NH DEPT OF TRANSPORTATION**

**FRANKLIN Webster Lake & Chance Pond Brook**

Requested Action:

Rehabilitate, realign and widen shoulders along Rte.11 to improve sight distances and access impacting 3,195 sq. ft. (2,001 sq. ft. temporary) of scrub shrub wetland and stream banks.

\*\*\*\*\*

Inspection Date: 10/29/2003 by Gino E Infascelli

APPROVE PERMIT:

Rehabilitate, realign and widen shoulders along Rte.11 to improve sight distances and access impacting 3,195 sq. ft. (2,001 sq. ft. temporary) of scrub shrub wetland and stream banks. NHDOT project #12938.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 01/15/03, as received by the Department on February 12, 2003; amended plan dated 7/8/03 for impact area "F" received July 11, 2003; and plan sheet 1 of 5 dated May 19, 2004 received May 24, 2004.
2. This permit is contingent on review AND approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Comments submitted by the DES shall be incorporated into the Erosion Control Plan and/ or the Stormwater Pollution Prevention Plans at least one week prior to submitted of the NOI.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Construction equipment shall not be located within surface waters.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

13. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

14. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

15. The impacts associated with the temporary work shall be restored immediately following construction.

**With Findings:**

This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of channel and banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on October 29, 2003. Field inspection determined the intermittent stream at Chance Pond Road was jurisdictional and the project is approvable with conditions to assure impacts to water quality will not occur.

**2004-00668                      BOOTH, JOHN & PATRICIA  
GILFORD   Lake Winnepesaukee**

**Requested Action:**

Appellant requests reconsideration of decision to deny permit application for the expansion of dormers on a boathouse located on Lake Winnepesaukee, in Gilford, NH.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com did not sign Exp Application

**DENY RECONSIDERATION:**

Reconsider and re-affirm the denial of the permit application to: Expand dormers on existing boathouse/residential condominium unit over public waters, thus expanding the outside dimensions of the structure.

**With Findings:**

**Stipulated Grounds for Reconsideration:**

1. The Appellant maintains that the Bureau did not wait the 120 days pursuant to RSA 482-A for the requested photos of the project site to be submitted to the file and that the Bureau must wait the 120 days before taking action on the file.

2. The Appellant alleges that the Bureau did not notify the Applicant of the 120 day deadline or the consequences of non-compliance with the May 17, 2004 request.

3. The Appellant alleges that the Bureau did not give the Applicant the opportunity to submit the requested photos within the 120 day time frame.

4. The Appellant alleges that the repair and replacement of the existing roof and dormers does not necessitate the need for a permit

from the state pursuant to RSA 482-A:3,I and RSA 482-A:3,IV.

5. The Appellant maintains that RSA 482-A:26,III(a) allows for the repair and reconstruction of dwellings over water and that the modifications to the roof and dormers are to bring the structure into compliance with state and local building codes.
6. The Appellant maintains that the repair and replacement of the roof and dormers "involve(s) only a minimal modification in size for the existing dormers to ensure a safe and compliant structure" and are not in conflict with the intent of RSA 482-A:1.
7. The Appellant maintains that replacing the roof and dormers is necessary to maintain the structure to reasonable safety standards. A letter from the proposed contractor suggests that the need for replacing the roof and dormers is to to meet building code requirements for safety egress and to correct faulty construction of the roof.

#### Findings of Fact:

8. The Applicant attended a pre-application meeting with DES staff during the winter of 2003/2004. At that meeting, proposed plans were discussed which included expanding the partials dormers to full dormers on both sides of the structure. At that meeting, the applicant was advised that the proposed modifications were not approvable pursuant to RSA 482-A:26. RSA 482-A:26 was discussed with the Applicant and the Applicant indicated that he understood the restrictions imposed by the statute. At the conclusion of the meeting the Applicant stated that he wished he had known about the restrictions prior to hiring an architect to design the modifications.

9. On April 19, 2004 the applicant submitted a Minimum Impact Expedited Application to the Bureau stating that the "2nd floor/roof areas will be changed, a dormer will be replaced on the north roof to allow metal roof and code complying window safety egress. A similar change will be made to the south roof for the same reason." A letter from Carter Construction Company which accompanied the application further stated that the dormers on the north side will be combined into one dormer and the south dormer will be completed to the western or land end of the roof.

10. The Gilford Conservation Commission did not sign the Minimum Impact Expedited Application and submitted a letter, received by the Bureau on April 19, 2004, which stated the concern that the proposal makes "a non-conforming structure more non-conforming."

11. On April 26, 2004 the Applicant submitted information to the file stating that they had retained the services of Concord NH attorney Jim Bianco and his assistant Ms. Jody Grimbilas.

12. On May 17, 2004 the Bureau sent a letter stating that the application did not meet the rules for 30 day expedited review and would be reviewed as a standard application. This letter asked for evidence that the structure existed as a dwelling prior to 1969 in order to establish it as a grandfathered structure.

13. Pursuant to RSA 482-A:26,III "Existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired or reconstructed, for maintenance purposes only, using any modern technologies, provided the result is a functionally equivalent use. Such repair or reconstruction may alter the interior design or existing cribwork, but no expansion of the existing footprint or outside dimensions shall be permitted."

#### Findings in Support of the Decision:

14. The request for photos of the structure prior to 1969 was to enable the Bureau to determine the grandfathered status of the structure. However, based upon historical evidence available to the Bureau, the Bureau does not dispute the fact that the structure is a grandfathered structure. Thus the photographs were not necessary for the Bureau to render a decision and the Appellants arguments relative to the timing of the request for information and subsequent response by the Applicant are moot.

15. Pursuant to RSA 482-A:26,III "Existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired or reconstructed, for

maintenance purposes only, using any modern technologies, provided the result is a functionally equivalent use. Such repair or reconstruction may alter the interior design or existing cribwork, but no expansion of the existing footprint or outside dimensions shall be permitted."

16. Pursuant a telephone discussion with the Town of Gilford Building Inspector on October 6, 2004 the structure can be modified to bring the structure into compliance with life safety codes without extending the dormers by simply increasing the size of only one window in each room. The dormers would not need to be extended to accomodate this increased window size. Further, the town would not require this change to the existing building unless it was undergoing significant modifications to the structure and replacement of the roof is not considered to be a significant modification.

17. The Appellant recognizes that the proposed extension of the dormers changes the outside dimensions of the structure by stating that "....involve(s) only a minimal modification in size for the existing dormers ...".

18. The roof can be repaired and replaced to correct faulty construction without the need to extend the dormers.

19. The proposed extension of the dormers is not required to increase the size of the windows to meet life safety standards.

20. The extension of the dormers changes the outside dimensions of the structure and therefore does not comply with RSA 482-A:26,III.

**2004-01129                      WADHAMS, DAVID & NANCY**  
**MEREDITH Lake Winnepesaukee**

**Requested Action:**

Permanently remove an existing 6 ft x 20 ft seasonal pier connected to an existing 6 ft 8 in x 16 ft 4 in crib pier with associated landing and stairs, and replace with (2) 6 ft x 40 ft seasonal piers connected to a 6 ft x 24 ft wharf over the bank, in a "U" shape, on an average of 290 ft of frontage on Bear Island, Lake Winnepesaukee.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con. Com. had no objection to project.

**APPROVE PERMIT:**

Permanently remove an existing 6 ft x 20 ft seasonal pier connected to an existing 6 ft 8 in x 16 ft 4 in crib pier with associated landing and stairs, and replace with (2) 6 ft x 40 ft seasonal piers connected to a 6 ft x 24 ft wharf over the bank, in a "U" shape, on an average of 290 ft of frontage on Bear Island, Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Island Service Corp. revised on October 22, 2004, as received by the Department on November 3, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. Seasonal piers shall be removed from the lake for the non-boating season.

9. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
10. The permanent wharf shall be constructed completely landward of the normal high-water line, Elev. 504.32.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), installation of a 3-slip seasonal docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-01476                      LAVOIE, ROBERT**  
**MILTON   Great Brook & Lyman Brook**

Requested Action:

Approve name change to: R.W. Real Estate Development LLC, 19 Central St., Farmington, NH 03835 per request received 11/01/2004.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Did not report.

APPROVE NAME CHANGE:

Fill a total of 3,597 sq. ft. of wetlands over two locations and install a 36" x 20' culvert at the first location, and three 36" x 25'-30' culverts at the second location to construct driveway crossings to a single family residence on 14.5 acres.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying and Engineering dated 6/23/04, stamped by CWS on 8/31/04, as received by the Department on 9/13/04.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-01522                      QUICKSILVER REALTY LLC**  
**MANCHESTER   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 5,288 sq. ft. of palustrine wetlands for 5 roadway crossings and associated grading for a 7-unit housing development on 6.03 acres.

\*\*\*\*\*

Inspection Date: 08/27/2004 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 5,288 sq. ft. of palustrine wetlands for 5 roadway crossings and associated grading for a 7-unit housing development on 6.03 acres.

With Conditions:

1. All work shall be in accordance with plans by The Civil Engineers Inc., dated 10/13/2004, specifically sheet Wa, representing the alternative which locates the entrance crossing outside of the abutter's easement, as received by the Department on 10/15/2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. The permittee shall coordinate on-site with DES and abutter Biron prior to the start of project site work to mark specific trees within and adjacent to wetlands along the Biron property line, which shall be preserved from any cutting or impact.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. Orange construction fencing shall be placed at the limits of construction and segregating the trees to be preserved, to prevent accidental encroachment on wetlands and non-impact areas.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 sq. ft. alteration in the aggregate in non-tidal wetlands, that exceed the criteria of Wt 303.04 (f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that, when all factors are considered, this revised proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on 8/27/2004. Field inspection determined that there were a number of areas where wetlands and abutter impacts could be reduced; the applicant has revised the project plans accordingly.

**2004-01653**

**LBME INVESTMENTS LLC, C/O MARK MC KEON**

**BEDFORD Unnamed Wetland**

Requested Action:

Fill 560 sq. ft. of artificially created isolated wetland for lot development of a single family lot.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Recommends approval.

Inspection Date: 10/07/2004 by Dori A Wiggin

**APPROVE PERMIT:**

Fill 560 sq. ft. of artificially created isolated wetland for lot development of a single family lot.

**With Conditions:**

1. All work shall be in accordance with plans by Joseph M. Wichert, LLS, Inc. dated 2/2/04, as received by the Department on July 19, 2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. This permit is contingent upon submission to DES of and approval of the drainage plan being designed by CLD (or other) Engineers addressing the management of site drainage/ flow to demonstrate that the storage previously provided by the wetland is accounted for, and that there shall be no increase in drainage impact to abutting properties as a result of this project.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The drainage problem that exists at this site arises from the adjacent farm and not the wetland, and exists regardless of the presence of the wetland. Although this wetland may provide some minimal detention in its existing state, this can be accounted for in the site engineering, and the source and overall impact of this flow is beyond the scope of the wetlands jurisdiction at this site.
6. The applicant has engaged a drainage design specialist at an engineering firm to address the drainage issues associated with the development of this lot. Engineered management of the storm water flow through this lot has the ability to improve the drainage conditions on this lot and as well as the surrounding lots.

**2004-02325                      KFOURY, MATTHEW & JULIE**  
**FREEDOM   Ossipee Lake**

**Requested Action:**

Construct a 32 ft x 25 ft (800 sq ft) perched beach and install a 6 ft x 40 ft seasonal dock on 196 ft of frontage on Ossipee Lake.

\*\*\*\*\*

**APPROVE PERMIT:**

Construct a 32 ft x 25 ft (800 sq ft) perched beach and install a 6 ft x 40 ft seasonal dock on 196 ft of frontage on Ossipee Lake.

**With Conditions:**

1. All work shall be in accordance with plans by Matthew J. Kfoury received by the Department on September 28, 2004 and plans revised dated October 19, 2004 as received by the Department October 19, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. The rocks and bank existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline



remains identifiable.

7. The steps installed for access to the water shall be located completely on top of the bank, landward of the normal high water line.
8. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall be maintained at a distance no greater than 5 feet landward from the beach area.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minor impact project per Rule Wt 303.03(g), dredge of less than 20 cu yd from public waters.

**MINIMUM IMPACT PROJECT**

\*\*\*\*\*

**2003-02004                      LANCASTER, WILLIAM**  
**GRANTHAM   Unnamed Wetland**

Requested Action:

Retain existing 24-inch x 25 foot culvert impacting 25 linear feet of perennial stream channel. Restore 150 linear feet of stream channel by removing existing sediment by hand.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Grantham Conservation Commission has concerns with the sediment within the stream.

Inspection Date: 11/12/2003 by Jocelyn S Degler

APPROVE AFTER THE FACT:

Retain existing 24-inch x 25 foot culvert impacting 25 linear feet of perennial stream channel. Restore 150 linear feet of stream channel by removing existing sediment by hand.

With Conditions:

1. All work shall be in accordance with plans by Northeast Septic Designs dated August 20, 2003 and revised through October 11, 2004 as received by the Department on October 14, 2004 and Narrative by Schauer Environmental Consultants LLC, dated September 13, 2002 as received by the Department on October 14, 2004.
2. A qualified wetlands consultant shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to the approved plans and narrative.
3. No machinery shall be used within DES jurisdictional areas on the Property.
4. All material removed during restoration activities shall be removed down to the original stream bed.
5. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
6. All material removed during restoration activities shall be placed out of DES's jurisdiction.
7. Siltation, erosion and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. All steps shall be taken during the construction/restoration necessary to assure that no water quality violations occur on the Property.
9. Stream restoration shall occur in accordance with the approved narrative by December 1, 2004.

9. Proper headwalls shall be installed according to the approved narrative by December 1, 2004.
10. Within three days following the last activity in the restoration area or where restoration activities are suspended for more than 3 days, all soils exposed by restoration activities shall be stabilized by seeding and mulching.
11. The qualified wetlands consultant shall inspect the restoration area, and submit an initial monitoring report with photographs to DES within 20 days of the projected restoration compliance date, but in no event shall the initial monitoring report be submitted later than December 31, 2004. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.

**2003-02640**

**PENFIELD LIMITED FAMILY PARTNERSHIP, KENT PENFIELD**

**GRANTHAM Eastman Pond**

**Requested Action:**

Dredge and fill 2195 square feet of man made drainage ditch and install 5 driveway culverts for access to single family building lots.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The conservation commission has several concerns with the proposed subdivision. Please see the findings of law associated with this permit.

**APPROVE AMENDMENT:**

Dredge and fill 2195 square feet of man made drainage ditch and install 5 driveway culverts for access to single family building lots.

**With Conditions:**

1. All work shall be in accordance with plans by Pathways Consulting LLC dated August 2004, as received by the Department on September 8, 2004, and Subdivision Plans by Pathways Consulting LLC dated July 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. No work shall occur within jurisdiction until Driveway Access permits have been obtained for each respective lot.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a copy of the deed indicating they have the right to construct, within the Clearwater Drive Right-of-way for access to the proposed lots.
6. Condition number five requires driveway access permits be obtained from the local authorities prior to any work occurring within jurisdiction.
7. The applicant has provided a letter from NHDES Dam Safety Bureau concurring with the findings from Pathways Consulting LLC that the residences in the five lot subdivision will not be adversely impacted by a breach of the main dam nor flood events up to the probable maximum flood.

**2004-01842                      KEENE, CITY OF**  
**KEENE   Unnamed Wetland**

Requested Action:

Temporarily impact 16,056 square feet of palustrine forested wetlands and permanently impact 286 square feet of a jurisdictional drainage ditch to upgrade existing failed drainage system.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments submitted from the Conservation Commission.

APPROVE PERMIT:

Temporarily impact 16,056 square feet of palustrine forested wetlands and permanently impact 286 square feet of a jurisdictional drainage ditch to upgrade existing failed drainage system.

With Conditions:

1. All work shall be in accordance with plans by the City Of Keene, revised October 6, 2004, known as the, 2004 Infrastructure Project Butternut Drive Drainage, as received by the Department on October 12, 2004
2. Construction workspace shall be limited to the 30 foot construction right-of-way as depicted on the plans.
3. The applicant shall notify the Wetlands Bureau and the Keene Conservation Commission of their intention to begin construction no less than five (5) business days prior to the commencement of construction.
4. Any clearing required in the drainage right-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
5. Topsoil in wetlands shall be stripped, segregated and stockpiled separately from subsoil during construction, and be restored following backfill of subsoil.
6. Wetlands shall be restored to their original grades within the right-of-way, within 5 days of backfill.
7. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction.
11. All refueling of equipment shall occur outside of wetlands during construction.
12. All temporary access roads shall be properly restored.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the establishment of vegetation in the disturbed wetland areas and schedule remedial actions if necessary. Photo documentation and a brief report shall be submitted to the Wetlands Bureau by September 1st of that year.

15. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. The project will temporarily impact 16,056 sq and permanently impact 286 square feet and is therefore been classified as a minimum impact project per Administrative Rule Wt 303.04(o), for projects the Department has determined have a minimum degree of environmental impacts.
2. The project design will not significantly impact the present functions and values of the existing wetlands.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-02091                      CAPITAL REGION HEALTHCARE CORP**  
**CONCORD   Unnamed Wetland**

Requested Action:

Fill 2264 square feet of man made retention basin for construction of a parking garage.

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Conservation Commission/Staff Comments:

The conservation commission has no objections to the dredge and fill application per an e-mail received October 9, 2004.

APPROVE PERMIT:

Fill 2264 square feet of man made retention basin for construction of a parking garage.

With Conditions:

1. All work shall be in accordance with plans by The Waterfield Design Group Inc. dated July 23, 2004, and revised through August 4, 2004, as received by the Department on September 1, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The stormwater flows shall be directed to the new detention system prior to filling of the existing basin.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The existing retention basin was constructed in 1996.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Hospital Master Plan indicates no future wetland impacts on site.

**2004-02130                      UNITED STATES COAST GARD**  
**NEW CASTLE    Atlantic Ocean**

Requested Action:

Maintenance dredge 51,900 sq. ft. (11,500 cu. yds.) of accumulated sediments to reestablish control depths necessary to maintain a clear navigation access way for US Coast Guard response vessels from the boathouse at Station Portsmouth to the Federal Channel of the Piscataqua River.

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Conservation Commission/Staff Comments:

No report received from the New Castle Conservation Commission.

APPROVE PERMIT:

Maintenance dredge 51,900 sq. ft. (11,500 cu. yds.) of accumulated sediments to reestablish control depths necessary to maintain a clear navigation access way for US Coast Guard response vessels from the boathouse at Station Portsmouth to the Federal Channel of the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Appledore Engineering, Inc. dated August 2004, as received by the Department on September 07, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All dredging shall be done between the dates of November 15 and March 15 per Rule Wt 304.11(b).
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Moorings in the westerly portion of the site which heretofore have caused scouring and removal of eelgrass by the drag of mooring pendants or chain will be replaced with modified moorings specifically designed to abate this condition.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k) to: Maintenance dredge 51,900 sq. ft. (11,500 cu. yds.) of accumulated sediments to reestablish control depths necessary to maintain a clear navigation access way for US Coast Guard response vessels from the boathouse at Station Portsmouth to the Federal Channel of the Piscataqua River.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The required dredging window of November 15 to March 15 is during the dormant season for eelgrass growth and reproduction.
6. The time of year for dredging to occur together with the strong currents and tidal flushing at this location will mitigate potential adverse effects of sediments suspended during dredging on eelgrass growing adjacent to the project.
7. The original proposed impact area for this project has been reduced by 50% due to conservation efforts to minimize impacts on eelgrass beds in the project area.
8. Moorings in the westerly portion of the site which heretofore have caused scouring and removal of eelgrass by the drag of mooring pendants or chain will be replaced with modified moorings specifically designed to abate this condition.

**2004-02156                      FITZ, CARL/PATRICIA**  
**NEW LONDON    Pleasant Lake**

Requested Action:

Repair an existing 28 ft 4 in x 18 ft 5 in boathouse in-kind, and reconfigure an existing 248 sq ft dock to a dimension of 9 ft 9 in x 28 ft 4 in with 3 ft 5 in steps accessing the water on an average of 200 ft of frontage on Pleasant Lake, New London.

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Conservation Commission/Staff Comments:

Con. Com. did not comment on project.

APPROVE PERMIT:

Repair an existing 28 ft 4 in x 18 ft 5 in boathouse in-kind, and reconfigure an existing 248 sq ft dock to a dimension of 9 ft 9 in x 28 ft 4 in with 3 ft 5 in steps accessing the water on an average of 200 ft of frontage on Pleasant Lake, New London.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated August 20, 2004, as received by the Department on September 8, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Repair shall maintain existing size, location and configuration.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All removed material shall be placed outside the jurisdiction of the Wetlands Bureau prior to new construction.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-02234 RUBBICCO, ANTHONY**  
**ALTON BAY Lake Winnepesaukee**

Requested Action:

Repair existing 10 ft x 40 ft crib dock and retain a 12 ft x 12 ft seasonal boatlift and a 12 ft x 26 ft seasonal canopy on an average of 96 ft of frontage on Alton Bay, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. did not object to project.

APPROVE PERMIT:

Repair existing 10 ft x 40 ft crib dock and retain a 12 ft x 12 ft seasonal boatlift and a 12 ft x 26 ft seasonal canopy on an average of 96 ft of frontage on Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Anthony Rubbico dated October 25, 2004, as received by the Department on October 29, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

4. Repair shall maintain existing size, location and configuration.
5. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Seasonal structures, including boatlifts and canopies shall be removed for the non-boating season.
10. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2004-02309                      FERRY, WILLIAM**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Stabilize and repair 167 linear ft of shoreline by resetting existing rocks and adding a few large boulders in the bank, plant a 5 ft wide vegetative buffer, and replace existing wooden steps with granite steps accessing the water on an average of 270 ft of frontage on Governors Island, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. did not object to proposed project.

APPROVE PERMIT:

Stabilize and repair 167 linear ft of shoreline by resetting existing rocks and adding a few large boulders in the bank, plant a 5 ft wide vegetative buffer, and replace existing wooden steps with granite steps accessing the water on an average of 270 ft of frontage on Governors Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Company dated September 17, 2004, revised on October 26, 2004, as received by the Department on October 29, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Existing rocks which have fallen shall be used for repair with limited additional rocks allowed to stabilize bank.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No large trees will be removed to protect the habitat of bald eagles.
9. All removed material shall be placed outside the jurisdiction of the Wetlands Bureau.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or

revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

11. Work shall be done during low water.

12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2. The NHI hit was deemed to have no affect as long as no large trees will be removed.

## FORESTRY NOTIFICATION

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**2004-02459 FOLLANSBEE, ALICE**  
**NEW BOSTON Unnamed Stream**

COMPLETE NOTIFICATION:  
New Boston Tax Map 1, Lot# 23

**2004-02490 BLUE HILLS FOUNDATION**  
**STRAFFORD Unnamed Stream**

COMPLETE NOTIFICATION:  
Strafford Tax Map 13, LoT # 1

**2004-02491 BLUE HILLS FOUNDATION**  
**STRAFFORD Unnamed Stream**

COMPLETE NOTIFICATION:  
Strafford Tax Map 9, Lot# 68

**2004-02502 MEADOWSEND TIMBERLANDS LTD**  
**KINGSTON Unnamed Stream**

COMPLETE NOTIFICATION:  
Kingston Tax Map 2, Lot# 50

**2004-02503 MEADOWSEND TIMBERLANDS LTD**  
**DANVILLE Unnamed Stream**

COMPLETE NOTIFICATION:  
Danville Tax 2, Lot# 50

**2004-02507 SPNHF**  
**SHARON Unnamed Stream**



COMPLETE NOTIFICATION:  
Sharon Tax Map 7, Lot# 22 & 24

**2004-02508                      120 TOMBER LANE LLC**  
**BRISTOL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bristol Tax Map 116, Lot# 72

**2004-02509                      CAVALLRIO, SAM**  
**WARNER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Warner Tax Map 13, Lot# 8-1

**2004-02510                      BUMFAGON LLC, JOHN READON**  
**LOUDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Loudon Tax Map 52, Lot# 5

**2004-02511                      CURRIER, WILLIAM**  
**NEW IPSWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
New Ipswich Tax Map 11, Lot# 13

**2004-02512                      ENGEL, DOUGLAS & AUDREY**  
**NEW BOSTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
New Boston Tax Map 14, Lot# 27 & 29

**2004-02513                      PLUM CREEK MAINE TIMBERLANDS LLC**  
**CAMBRIDGE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Cambridge Tax Map 1619, Lot# 1.2

**2004-02514                      BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M**  
**ERROL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Errol Tax Map R13, Lot# 21

**2004-02515                      D'ELIA, ROSS**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 1 Lot# 625A

**2004-02516                      BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M**  
**DUMMER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dummer Tax Map R18, Lot# 2

**2004-02517                      TRAINOR, THOMAS**  
**BROOKFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Brookfield Tax Map 24, Lot# 7

**2004-02518                      HUPPE, LEO**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 224 & 223, Lot# 322 & 12

**2004-02519                      COPP, DANA**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax 224, Lot# 324, 321, 328, 228 & 9

**2004-02520                      HAYFORD, MICHAEL**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Tamworth Tax Map 410, Lot# 61

**2004-02521                      STUART, JERIMIAH**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 223, Lot# 21

**2004-02522                      BENSON, IRENE**  
**ROXBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Roxbury Tax Map 9, Lot# 11

**2004-02523                      EASTMAN HILL ENTERPRISES**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 4, Lot# 63 & 64

**2004-02563                      FRENCH FAMILY EXEMPT TRUST**  
**RUMNEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rumney Tax Map 12, Lot# 15-6

**2004-02564                      KINGS ARROW TRUST**  
**COLUMBIA   Unnamed Stream**

COMPLETE NOTIFICATION:  
Columbia Tax Map 411, Lot# 11

**2004-02566                      DRED, STATE NURSERY**  
**DORCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dorchester Province Road State Forest

**2004-02567                      CERSOSIMO INDUSTRIES INC**  
**HILL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hill Tax Map R2, Lot# 2-2

**2004-02568                      DIEKMAN, BARBARA**  
**WARNER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Warner Tax Map 10, Lot# 30-1

**2004-02569                      MERRIMACK, TOWN OF**  
**BEDFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bedford Tax Map 39, Lot# 30

**2004-02577                      KUCEK JR, WALTER**  
**SWANZEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Swanzy Tax Map 8 & 9, Lot# 2 & 4-4

**2004-02592                      DRED**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 413, Lot# 59

**2004-02624                      CHAPLIN, ANN**  
**STRAFFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Strafford Tax Map 13, Lot# 24-1

#### EXPEDITED MINIMUM

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**2004-02126                      VERIZON NEW ENGLAND INC, GLENN MILLS**  
**LITCHFIELD   Merrimack River**

Requested Action:  
Excavate a total of 2 square feet in the bank and lay a 2" cable across the bed of the Merrimack River.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Signed expedited application.

APPROVE PERMIT:  
Excavate a total of 2 square feet in the bank and lay a 2" cable across the bed of the Merrimack River.

With Conditions:

1. All work shall be in accordance with plans by Verizon New England Inc. dated 8/9/04, as received by the Department on 9/7/04.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(o), project deemed minimum by the Department based on

the degree of environmental impact.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Fish and Game Department has determined that placement of the 2" cable will not impact the state-endangered Brook Floater mussel found in the Merrimack River.
6. No comments were received from the local rivers advisory committee.

**2004-02233                      CARR, FELITA**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Reconstruct 75 linear feet of stone retaining wall in-kind, during draw down along water's edge on 75 feet of frontage on Lake Winnepesaukee.

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APPROVE PERMIT:

Reconstruct 75 linear feet of stone retaining wall in-kind, during draw down along water's edge on 75 feet of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Felita Carr dated October 25, 2004, as received by the Department on October 26, 2004.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Work shall be done during drawdown.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. Repair shall maintain existing size, location and configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04, repair, in kind, of a legally existing structure.
2. The applicant certifies that the replaced retaining wall has been permitted in the same location, configuration, construction type and dimensions under a wetlands permit and have not been abandoned or would be considered grandfathered in their current configuration and have not been abandoned in accordance with Wt 303.04(v).

**2004-02329                      DANIELS, E. PAUL**  
**WHITEFIELD   Unnamed Wetland**

Requested Action:

Fill approximately 2,994 square feet of wet meadow to improve an existing woods road for safe passage.

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Conservation Commission/Staff Comments:

The Whitefield Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill approximately 2,994 square feet of wet meadow to improve an existing woods road for safe passage.

With Conditions:

1. All work shall be in accordance with plans received by the Department on September 28, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. No fill shall take place in Atlantic white cedar swamps.
8. Work shall be done during low flow conditions.
9. Fill shall be limited only to areas within the existing woods road.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional wet meadow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

TRAILS NOTIFICATION

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**2004-02489**                      **RINES, NANCY**  
**ALTON**   **Unnamed Stream**

COMPLETE NOTIFICATION:

Alton Tax Map 6, Lot# 32

SHORELAND VARIANCE / WAIV

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**2004-01926**                      **AKERS, DANA**  
**KINGSTON**   **Country Pond**

Requested Action:

Replace an existing septic system with a new improved septic system.

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APPROVE CSPA VARIANCE:

Replace an existing septic system with a new improved septic system.

With Conditions:

1. All work shall be conducted in accordance with plans by Dennis F. Rafferty as received by the department on October 11, 2004.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
3. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
4. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
5. This variance is contingent upon approval of the septic system by the DES Subsurface Systems Bureau.
6. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The septic system is proposed to be installed within the septic setback to Country Pond in Kingston and therefore fails to conform to a minimum standard set forth in RSA 483-B:9, V of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land coupled with the septic setback would prohibit the property owner from replacing the existing septic holding tank with a new improved septic system.
4. The installation of a new improved septic system will better protect the public waterbody and therefore be consistent with the intents of the statute.
5. The proposed project will not injure the public or private rights of others.
6. Granting the variance will be consistent with the public interest as the existing septic system is outdated and a potential health hazard.
7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

**2004-02341                      WRIGHT, ERIC & CYNTHIA**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Expand the outside dimensions of the structure by increasing the ridgeline height from 12 ft to 23 ft to construct a second level of living space.

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APPROVE CSPA WAIVER:

PROJECT DESCRIPTION: Relocation and improvement of an existing non-conforming residential structure within the primary building setback. Expand the outside dimensions of the structure by increasing the ridgeline height from 12 ft to 23 ft to construct a second level of living space.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on September 29, 2004 and October 13, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds. A copy of the recorded waiver shall be sent to the department before construction may begin.
3. The row of vegetation shall be planted and the crushed stone shall be placed before construction is completed.
4. Limestone shall be the only type of fertilizer used within 25 ft of the reference line. Low or no phosphorus fertilizer shall be the only fertilizer used from 25 ft - 250 ft beyond the reference line.
5. Within three days of final grading or temporary suspension of work all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Expansion to the footprint of the structure shall take place behind the 50 foot primary building setback.
9. The proposed patio shall not extend any more than 12 feet from the residence towards the reference line.
10. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
12. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
13. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to plant a row of low growing plants and place crushed stone below the eaves of the residence to control roof runoff and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B:11, I.

**2004-02403                      CHRISTOPHER & JEAN BISHOP REV TRUST**  
**BRADFORD   Lake Massasecum**

Requested Action:

Improvement of an existing non-conforming residential structure within the primary building setback. Increase the outside dimensions of the residence by raising the ridgeline height from 16' to 25' to expand the living space.

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APPROVE CSPA WAIVER:

Improvement of an existing non-conforming residential structure within the primary building setback. Increase the outside



dimensions of the residence by raising the ridgeline height from 16' to 25' to expand the living space.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on October 5, 2004 and October 19, 2004.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. The septic system shall be installed before the completion of construction.
7. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Massasecum and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to install a new improved septic system for the residence as well as the neighboring residence and place drip stone under the eaves of the residence and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I

**ROADWAY MAINTENANCE NOTIF**

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**2004-02653                      NH DEPT OF TRANSPORTATION**  
**ROLLINSFORD   Roadside Ditch**

**2004-02654                      NH DEPT OF TRANSPORTATION**  
**SOMERSWORTH   Drainage Ditch**

**2004-02655                      STRAFFORD, TOWN OF**  
**STRAFFORD   Unnamed Stream**

**2004-02656                      UNITY, TOWN**  
**UNITY   Unnamed Stream**

**2004-02657                      UNITY, TOWN**  
**UNITY   Unnamed Wetland**

**2004-02658                      ROCHESTER, CITY OF**  
**ROCHESTER   Unnamed Stream**

**PERMIT BY NOTIFICATION**

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**2004-02264                      HAMPSHIRE COUNTRY SCHOOL**  
**RINDGE   Island Pond**

Requested Action:

PBN#4, Repairs to Island Pond Dam(#203.10).

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Conservation Commission/Staff Comments:

the Rindge Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

PBN#4, Repairs to Island Pond Dam(#203.10).

**2004-02301                      ENGLEWOOD CONSTRUCTION**  
**HILLSBOROUGH   Unnamed Wetland**

Requested Action:

PBN#1, Dredge and fill approximately 300 square feet of forested wetland for access to a single family residential lot.

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Conservation Commission/Staff Comments:

The Hillsboro Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

PBN#1, Dredge and fill approximately 300 square feet of forested wetland for access to a single family residential lot.

**2004-02401                      ANDERSON, ARTHUR**  
**MIRROR LAKE   Lake Winnepesaukee**

Requested Action:

PBN#11, In-kind replacement of two (2) pilings on Lake Winnepesaukee with approximately 127 feet of shoreline frontage.

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Conservation Commission/Staff Comments:

The Tuftonboro Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#11, In-kind replacement of two (2) pilings on Lake Winnepesaukee with approximately 127 feet of shoreline frontage.

**2004-02404                      MCLAUGHLIN, MADELINE**  
**WAKEFIELD   Pine River Pond**

Requested Action:

PBN#12, Replacement of a failing railroad tie retaining wall with a concrete block wall and no change in size or location on North River lake with approximately 110 feet or shoreline frontage.

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Conservation Commission/Staff Comments:

the Barrington Conservation Commission signed the PBN and submitted written comment approving the project.

PBN IS COMPLETE:

PBN#12, Replacement of a failing railroad tie retaining wall with a concrete block wall and no change in size or location on North River lake with approximately 110 feet or shoreline frontage.

**2004-02499                      SNYDER, JIM**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

PBN#11, In-kind repair to existing piling dock and PBN#12, In-kind repair to existing retaining wall on Lake Winnepesaukee with approximately 116 feet of shoreline footage.

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Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#11, In-kind repair to existing piling dock and PBN#12, In-kind repair to existing retaining wall on Lake Winnepesaukee with approximately 116 feet of shoreline footage.

**2004-02585                      TAYLOR TRUST, EDITH HOWARD**  
**PLAINFIELD   Unnamed Pond**

Requested Action:

PBN#3, Maintenance dredge approximately 1,800 square feet of a man-made pond.

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Conservation Commission/Staff Comments:

The Plainfield Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#3, Maintenance dredge approximately 1,800 square feet of a man-made pond.

**2004-02586**

**TAYLOR, STEPHEN & GRETCHEN**

**MERIDEN Unnamed Pond**

Requested Action:

PBN#3, Maintenance dredge approximately 1,500 square feet of a man-made pond.

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Conservation Commission/Staff Comments:

The Plainfield Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#3, Maintenance dredge approximately 1,500 square feet of a man-made pond.